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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,407

09/05/2003

Jeppe Goltermann

939-011460-US(PAR)

7387

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7590

05/30/2006

PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06824

EXAMINER

LU, ZHIYU

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,407	GOLTERMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Zhiyu Lu	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2-5, 7-10, 12-16, and 18-21 objected to because of the following informalities:

In line 1s of claims 2-5, 7-10, and 18-21, replace "An apparatus" with [The electronic apparatus] to correct antecedent basis errors.

In line 1s of claims 12-16, replace "An apparatus" with [The mobile communication apparatus] to correct antecedent basis errors.

In line 3s of claims 3, 8, 13 and 19, replace "mode" with [modes] to correct grammatical errors.

In line 2 of claim 16, add [,] after "reduced" to correct grammatical error and increase readability.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 16 recites the limitation "the phone" in lines 5-6 of page 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Cosgrove et al. (US Patent#6304765).

Regarding claim 1, Cosgrove et al. anticipate an electronic apparatus comprising:

first and second body portions movable between an open configuration and a closed configuration (Figs. 4-5);

a speaker having a permanent magnet in the first portion (column 2 lines 63-64); and

a magnetic field sensor in the second portion, wherein the magnetic field sensor is positioned so as to detect the magnetic field of the speaker when the apparatus is in its closed configuration (column 2 lines 59-65).

Regarding claim 6, Cosgrove et al. anticipate an electronic apparatus comprising:

first and second body portions coupled by a hinge and pivotable between an open configuration and a closed configuration (Figs. 4-5);

a speaker having a permanent magnet in the first portion (column 2 lines 63-64); and

a magnetic field sensor in the second portion, wherein the magnetic field sensor is positioned so as to detect the magnetic field of the speaker when the apparatus is in its closed configuration (column 2 lines 59-65).

Regarding claim 11, Cosgrove et al. anticipate a mobile communication apparatus comprising:

first and second body portions movable between an open configuration and a closed configuration (Figs. 4-5);

a speaker having a permanent magnet in the first portion (column 2 lines 63-64); and

a magnetic field sensor in the second portion, wherein the magnetic field sensor is positioned so as to detect the magnetic field of the speaker when the apparatus is in its closed configuration (column 2 lines 59-65)

Regarding claim 17, Cosgrove et al. anticipate an electronic apparatus comprising:

first and second body portions coupled by a hinge and pivotable between an open configuration and a closed configuration (Figs. 4-5);

a speaker having a permanent magnet in the first portion (column 2 lines 63-64); and

a magnetic field sensor in the second portion, wherein the magnetic field sensor is positioned so as to detect the magnetic field of the speaker when the apparatus is in its closed configuration (column 2 lines 59-65).

Regarding claims 2, 7, 12 and 18, Cosgrove et al. anticipate the limitations of claims 1, 6, 11 and 17.

Cosgrove et al. also anticipate the limitation of comprising an audio signal source (18 of Fig. 2) connected to the speaker for driving the speaker to generate acoustic signals (column 2 lines 40-48).

Regarding claims 3, 8, 13 and 19, Cosgrove et al. anticipate the limitations of claims 1, 6, 11 and 17.

Cosgrove et al. also anticipate the limitation of comprising processing means (19 and 21 of Fig. 2) operable in a first mode and a second mode, responsive to the output of the magnetic field sensor for switching between said mode in accordance with whether the apparatus is in its open or closed configuration (column 2 lines 56-65).

Regarding claims 4, 9, 14 and 20, Cosgrove et al. anticipate the limitations of claims 3, 8, 13 and 19.

Cosgrove et al. also anticipate the limitation of comprising an audio signal source (18 of Fig. 2) connected to the speaker for driving the speaker to generate acoustic signals (column 2 lines 40-48).

Regarding claims 5, 10, 15 and 21, Cosgrove et al. anticipate the limitations of claims 4, 9, 14 and 20.

Cosgrove et al. also anticipate the limitation of the first mode (closed position) is a standby mode and the second mode (open position) is an operational mode (Fig. 3, column 3 lines 8-27).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cosgrove et al. (US Patent#6304765) in view of Shimazaki (US Patent#5493690).

Regarding claim 16, Cosgrove et al. teach the limitation of claim 15.

But, Cosgrove et al. do not expressly disclose the limitation of the processing means is configured to supply no, reduced, or intermittent power to certain elements of the phone in the standby mode.

Shimazaki teaches the limitation of the processing means is configured to supply no, reduced, or intermittent power to certain elements of the phone in the standby mode (column 2 lines 17-21 and 42-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate configuring to supply no or reduced power to certain elements of the phone in standby mode taught by Shimazaki into the mobile communication apparatus of Cosgrove et al., in order to conserve power.

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***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zhiyu Lu  
May 19, 2006

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**